

HOUSE BILL 657

R3
HB 164/10 – JUD

11r0711

By: **Delegate Holmes**
Introduced and read first time: February 9, 2011
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Drunk and Drugged Driving – Repeat Offenders – Special Registration Plates**

3 FOR the purpose of authorizing a court to require a person who has been convicted of
4 certain drunk or drugged driving offenses a certain number of times to comply
5 with certain requirements relating to the issuance of special registration plates;
6 requiring the court to state certain facts on the record, provide a certain notice
7 to the Motor Vehicle Administration, and direct the Administration to take
8 certain actions; requiring the Administration, under certain circumstances, to
9 issue special license plates to identify a vehicle that is owned by an individual
10 who has been convicted of certain drunk or drugged driving offenses a certain
11 number of times; requiring the special registration plates to be distinctive and
12 to include the letters “DUP”; requiring the Administration, under certain
13 circumstances, to recall the registration plates of each vehicle owned by an
14 individual who has been convicted of certain drunk and drugged driving
15 offenses a certain number of times; requiring the Administration to provide a
16 certain notice concerning recalled registration plates; requiring the
17 Administration to issue special registration plates and certain validation tabs
18 under certain circumstances; requiring a vehicle owner to comply with a certain
19 notice; requiring the owner of a vehicle issued special registration plates to pay
20 a certain fee; requiring special registration plates issued under this Act to be
21 displayed for a certain number of years; requiring an owner to renew
22 registration under certain circumstances; requiring the Administration to
23 return or issue certain registration plates and to issue certain validation tabs at
24 the end of a certain time period; and generally relating to drunk and drugged
25 driving.

26 BY adding to
27 Article – Transportation
28 Section 13–630 and 27–108.1
29 Annotated Code of Maryland
30 (2009 Replacement Volume and 2010 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 BY repealing and reenacting, without amendments,
2 Article – Transportation
3 Section 21–902
4 Annotated Code of Maryland
5 (2009 Replacement Volume and 2010 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
7 MARYLAND, That the Laws of Maryland read as follows:

8 **Article – Transportation**

9 **13–630.**

10 (A) (1) IF NOTIFIED OF A COURT ORDER UNDER § 27–108.1 OF THIS
11 ARTICLE, THE ADMINISTRATION SHALL ISSUE, IN ACCORDANCE WITH THIS
12 SECTION, SPECIAL REGISTRATION PLATES THAT IDENTIFY THE VEHICLE
13 DISPLAYING THE PLATES AS BEING OWNED BY AN INDIVIDUAL WHO HAS BEEN
14 CONVICTED OF THREE OR MORE VIOLATIONS OF § 21–902 OF THIS ARTICLE.

15 (2) SPECIAL REGISTRATION PLATES ISSUED UNDER THIS
16 SECTION SHALL BE OF A DISTINCTIVE DESIGN DETERMINED BY THE
17 ADMINISTRATION, INCLUDING A YELLOW BACKGROUND, AND SHALL INCLUDE
18 THE LETTERS “DUI” AND A NUMBER, BOTH IN RED.

19 (B) (1) IF THE OWNER OF A VEHICLE REGISTERED UNDER THIS TITLE
20 IS ORDERED BY THE COURT TO COMPLY WITH THIS SECTION, THE
21 ADMINISTRATION SHALL:

22 (I) RECALL THE REGULAR REGISTRATION PLATES OF EACH
23 VEHICLE REGISTERED TO THE OWNER;

24 (II) NOTIFY THE OWNER THAT THE RECALLED
25 REGISTRATION PLATES SHALL BE RETURNED TO THE ADMINISTRATION WITHIN
26 30 DAYS FROM THE DATE OF THE NOTICE; AND

27 (III) IF THE OWNER OR ANY CO-OWNER OF THE VEHICLE
28 OTHERWISE IS QUALIFIED TO OPERATE THE VEHICLE, AT THE TIME THE
29 RECALLED REGISTRATION PLATES ARE RETURNED TO THE ADMINISTRATION,
30 ISSUE TO THE OWNER:

31 1. SPECIAL “DUI” REGISTRATION PLATES
32 AUTHORIZED UNDER THIS SECTION; AND

1 (a) (1) A person may not drive or attempt to drive any vehicle while under
2 the influence of alcohol.

3 (2) A person may not drive or attempt to drive any vehicle while the
4 person is under the influence of alcohol per se.

5 (3) A person may not violate paragraph (1) or (2) of this subsection
6 while transporting a minor.

7 (b) (1) A person may not drive or attempt to drive any vehicle while
8 impaired by alcohol.

9 (2) A person may not violate paragraph (1) of this subsection while
10 transporting a minor.

11 (c) (1) A person may not drive or attempt to drive any vehicle while he is
12 so far impaired by any drug, any combination of drugs, or a combination of one or more
13 drugs and alcohol that he cannot drive a vehicle safely.

14 (2) It is not a defense to any charge of violating this subsection that
15 the person charged is or was entitled under the laws of this State to use the drug,
16 combination of drugs, or combination of one or more drugs and alcohol, unless the
17 person was unaware that the drug or combination would make the person incapable of
18 safely driving a vehicle.

19 (3) A person may not violate paragraph (1) of this subsection while
20 transporting a minor.

21 (d) (1) A person may not drive or attempt to drive any vehicle while the
22 person is impaired by any controlled dangerous substance, as that term is defined in §
23 5–101 of the Criminal Law Article, if the person is not entitled to use the controlled
24 dangerous substance under the laws of this State.

25 (2) A person may not violate paragraph (1) of this subsection while
26 transporting a minor.

27 (e) For purposes of the application of subsequent offender penalties under §
28 27–101 of this article, a conviction for a crime committed in another state or federal
29 jurisdiction that, if committed in this State, would constitute a violation of subsection
30 (a), (b), (c), or (d) of this section shall be considered a violation of subsection (a), (b), (c),
31 or (d) of this section.

32 **27–108.1.**

33 **(A) IN ADDITION TO ANY OTHER PENALTIES PROVIDED IN THIS TITLE**
34 **FOR A VIOLATION OF § 21–902 OF THIS ARTICLE, A COURT MAY REQUIRE A**

1 PERSON WHO HAS BEEN CONVICTED OF THREE OR MORE VIOLATIONS OF §
2 21-902 OF THIS ARTICLE TO RETURN THE REGULAR REGISTRATION PLATES TO
3 THE ADMINISTRATION AND OBTAIN SPECIAL REGISTRATION PLATES IN
4 ACCORDANCE WITH THE PROVISIONS OF § 13-630 OF THIS ARTICLE FOR ANY
5 VEHICLE REGISTERED TO THE PERSON.

6 (B) IF THE COURT ORDERS A PERSON TO COMPLY WITH § 13-630 OF
7 THIS ARTICLE AS PART OF A SENTENCE, THE COURT SHALL:

8 (1) STATE ON THE RECORD THE REQUIREMENT TO COMPLY WITH
9 § 13-630 OF THIS ARTICLE;

10 (2) NOTIFY THE ADMINISTRATION THAT THE PERSON IS SUBJECT
11 TO THE REQUIREMENTS OF § 13-630 OF THIS ARTICLE; AND

12 (3) DIRECT THE ADMINISTRATION TO, IN ACCORDANCE WITH §
13 13-630 OF THIS ARTICLE:

14 (I) RECALL ANY REGULAR REGISTRATION PLATES ISSUED
15 TO THE PERSON; AND

16 (II) IF THE PERSON IS OTHERWISE QUALIFIED TO BE ISSUED
17 REGISTRATION PLATES, ISSUE SPECIAL "DUI" REGISTRATION PLATES TO THE
18 PERSON.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2011.